

**REMARKS**

Claims 40-48 remain pending.

Claims 40-48 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Wiggins et al, US Patent Number 5463727 ("Wiggins"). Applicants respectfully traverse this rejection.

Claim 40 recites a system for highlighting a current selection comprising, among other things, a storage for storing a list of menu options.

In rejecting claim 40, the Action alleges that Wiggins suggests a computer implemented system comprising a storage for storing a main menu comprising a list of menu options. The Action asserts that "a storage for storing a main menu comprising a list of menu options" is "inherently included in microcomputer 40." Applicant respectfully disagrees.

Wiggins suggests a microcomputer 40 containing programs in ROM (col. 4, lines 45-46). The programs are adapted to display the windows (col. 4, line 49), provide screen displays (col. 4, line 53) and to direct the system to call the various windows (col. 4, lines 54-55). Wiggins does not teach or suggest a storage for *storing a list of menu options*, but rather merely suggests ROM for storing *programs* to implement display of windows, for example.

Further, Applicants respectfully submit that "storage" storing a list of menu options is not an inherent property of the microcomputer 40. Although the microcomputer 40 may contain ROM that may store data, storing a list of menu options would not be a necessary or required function of the ROM *per se*. Thus, storing a list of menu options

cannot be considered an inherent property of the ROM. As it cannot be an inherent property, Applicants request the Examiner to provide a reference having this recitation.

Claim 40 further recites, among other things, a display for displaying the list of menu options in response to a start or menu button, each option residing in a shape, one of said list being the current selection, each shape being separated from an adjacent shape by a spacing distance based on border parameters. Wiggins does not teach or suggest each option residing in a shape and each shape being separated from an adjacent shape by a spacing distance based on border parameters. In the absence of such a teaching or suggestion, there would be no motivation for one of ordinary skill in the art to obtain claim 40.

The Action also asserts that Wiggins supposedly suggests means for enlarging the size of the shape. Claim 40 further recites, among other things, enlarging the size of said shape. Wiggins suggests that the selection of an icon may be indicated by an increase in the brightness level of the icon, by the appearance of a cursor on the icon, or by drawing a band around the icon. Contrary to the Action's assertions, Wiggins does not teach or suggest enlarging the size of said shape. Therefore, there would be no motivation for one of ordinary skill in the art to obtain claim 40.

Claims 43 and 46 recite, among other things, displaying a list of menu options in response to the reception of a signal corresponding to a start or menu button with each option residing in a shape where one of said list being the current selection, and wherein each shape is separated from an adjacent shape by a spacing distance based on border parameters. Wiggins does not teach or suggest each option residing in a shape and each

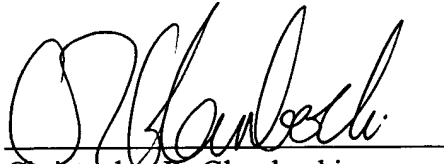
shape being separated from an adjacent shape by a spacing distance based on border parameters. In the absence of such a teaching or suggestion, there would be no motivation for one of ordinary skill in the art to obtain the claim 40.

The Action also asserts that Wiggins supposedly suggests enlarging the size of the shape. Claims 43 and 46 further recite, among other things, enlarging the size of said shape. Wiggins suggests that the selection of an icon may be indicated by an increase in the brightness level of the icon, by the appearance of a cursor on the icon, or by drawing a band around the icon. Contrary to the Action's assertions, Wiggins does not teach or suggest enlarging the size of said shape. Therefore, there would be no motivation for one of ordinary skill in the art to obtain claim 43 or claim 46.

For at least these reasons, Applicants respectfully submit that independent claims 40, 43 and 46 distinguish over the art of record, and is in condition for allowance. Claims 41, 42, 44, 45, 47 and 48 depend from allowable independent claims, and are therefore allowable for at least the same reasons as the independent claims, and further in view of the various advantages and novel features recited therein.

Applicants respectfully submit that the instant application is in condition for allowance. If the Examiner feels, however, that further amendment and/or discussion may be helpful in facilitating prosecution of the case, the Examiner is respectfully requested to telephone the undersigned attorney of record at the number appearing below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Glembocki", written over a horizontal line.

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**MARKED-UP VERSION OF AMENDMENT**

Please amend claims 40, 43 and 46 as follows:

40. (Amended) A system for highlighting a current selection comprising:

a storage for storing a list of menu options;

a display for displaying the list of menu options in response to a start or menu button, each option residing in a shape, one of said list being the current selection, each shape being separated from an adjacent shape by a spacing distance based on border parameters;

a processor for determining which of said list of menu options is the current selection, for enlarging the size of said shape, and for controlling said display to display said enlarged shape surrounding said current selection.

43. (Amended) A method for highlighting a current selection comprising the steps of:

displaying a list of menu options in response to the reception of a signal corresponding to a start or menu button with each option residing in a shape where one of said list being the current selection, and wherein each shape is separated from an adjacent shape by a spacing distance based on border parameters;

determining by a processor which of said list of menu options is the current selection;

enlarging the size of said shape surrounding said current selection; and,

controlling said display to display said enlarged shape surrounding said current selection.

46. (Amended) A computer-readable medium having computer executable instructions for performing steps comprising:

displaying a list of menu options in response to the reception of a signal corresponding to a start or menu button with each option residing in a shape where one of said list being the current selection, and wherein each shape is separated from an adjacent shape by a spacing distance based on border parameters;

determining by a processor which of said list of menu options is the current selection;

enlarging the size of said shape surrounding said current selection; and,

controlling said display to display said enlarged shape surrounding said current selection.